

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

HENRY E. BOLLINGER III,)	
)	
Plaintiff,)	
vs.)	NO. CIV-11-0109-HE
)	
MICHAEL J. ASTRUE,)	
COMMISSIONER OF THE SOCIAL)	
SECURITY ADMINISTRATION,)	
)	
Defendant.)	

ORDER


Plaintiff Henry Bollinger filed this case seeking judicial review of the final decision of the Commissioner of the Social Security Administration (“Commissioner”) denying his application for insurance benefits and supplemental security income. Pursuant to 28 U.S.C. § 636(b)(1)(B), the case was referred to Magistrate Judge Robert E. Bacharach. Judge Bacharach recommended the Commissioner’s decision be reversed and remanded. Report and Recommendation [Doc. #20]. Objections to Judge Bacharach’s Report and Recommendation were due by February 16, 2012.

The parties, having failed to object to the Report and Recommendation, waived their right to appellate review of the factual and legal issues it addressed. United States v. 2121 E. 30th St., 73 F.3d 1057, 1059 (10th Cir. 1996); *see also* 28 U.S.C. § 636(b)(1)(C) (“A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations *to which objection is made.*” (emphasis added)). The court therefore **ADOPTS** Magistrate Judge Bacharach’s Report and

Recommendation [Doc. #20], and the Commissioner's decision is **REVERSED** and the case **REMANDED** for further proceedings consistent with this decision. Judgment will be entered contemporaneously with this order. *See* Fed. R. Civ. P. 58(a).

IT IS SO ORDERED.

Dated this 22nd day of February, 2012.



JOE HEATON
UNITED STATES DISTRICT JUDGE